
ELSA GULINO, MAYLING RALPH, PETER WILDS, and NIA GREENE, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW
YORK,

Defendant.

96 CIV. 8414

INTERIM REPORT

TO THE HONORABLE KIMBA M. WOOD, United States District Court Judge.

John S. Siffert, SPECIAL MASTER

For the reasons stated below, I submit this Interim Report to the Court (the “Report”). This Report also attaches the summaries of my rulings at the conferences held from August 25, 2022 through December 22, 2022 (“Conference Summaries”) which are filed as part of the record in this case. (*See* Attachment 1).

I. Background

The Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]). In accordance with my Order of Appointment (*see* May 20, 2014 Order of Appointment, [ECF No. 435]; Nov. 12, 2014 Second Amended Order of Appointment, [ECF No. 524]), I submitted Interim Reports and Recommendations which the Court has adopted. (*See* IRR dated October 24,

2014, [ECF No. 516], Order, [ECF No. 536]; IRR dated July 17, 2015, [ECF No. 678], Opinion & Order, [ECF No. 674]; IRR dated June 13, 2016, [ECF No. 777], Order, [ECF No. 800]). The summaries of my rulings at conferences from September 19, 2016 to December 19, 2019 have been submitted previously with the Classwide Exhibits and are part of the record. (*See* Fifth Supplemental Index of Exhibits [ECF No. 5942]). The summaries from January 7, 2020 through March 19, 2020 were submitted as an attachment to my Interim Report dated April 9, 2020; the summaries from March 24, 2020 through April 28, 2020 were submitted as an attachment to my Interim Report dated June 3, 2020; the summaries from May 5, 2020 through June 18, 2020 were submitted as an attachment to my Interim Report dated July 23, 2020; the summaries from June 25, 2020 through July 29, 2020 were submitted as an attachment to my Interim Report dated August 25, 2020; the summaries from August 6, 2020 through September 3, 2020 were submitted as an attachment to my Interim Report dated October 23, 2020; the summaries from September 17, 2020 through January 5, 2021 were submitted as an attachment to my Interim Report dated January 21, 2021; the summaries from January 13, 2021 through May 27, 2021 were submitted as an attachment to my Interim Report dated June 22, 2021; the summaries from June 2021 were submitted as an attachment to my Interim Report dated August 20, 2021; the summaries from August 5, 2021 through January 20, 2022 were submitted as an attachment to my Interim Report dated March 10, 2022; the summaries from February 3, 2022 through May 26, 2022 were submitted as an attachment to my Interim Report dated July 15, 2022; and the summaries from June 2, 2022 through August 11, 2022 were submitted as an attachment to my Interim Report dated October 12, 2022 and, therefore, are part of the record. (*See* Interim Report dated Apr. 9, 2020 [ECF No. 4950]; Interim Report dated June 3, 2020 [ECF No. 5401]; Interim Report dated July 23, 2020 [ECF No. 5940]; Interim Report dated Aug. 25, 2020 [ECF No.

6407]; Interim Report dated Oct. 23, 2020 [ECF No. 6811]; Interim Report dated Jan. 21, 2021 [ECF No. 7219]; Interim Report dated June 22, 2021 [ECF No. 8097]; Interim Report dated Aug. 20, 2021 [ECF No. 8386]; Interim Report dated Mar. 10, 2022 [ECF No. 9793]; Interim Report dated July 15, 2022 [ECF No. 10069]; Interim Report dated Oct. 12, 2022 [ECF No. 10195]).

In accordance with my Order of Appointment, I held hearings from August 25, 2022 through December 22, 2022 regarding claimants' demands for damages and other issues. At those hearings, I applied the rulings contained in the Court's previous orders and judgments when deciding objections raised by Defendant to certain aspects of Plaintiffs' damages demands. Following each of those hearings, I circulated a summary to the parties setting forth the arguments presented by the parties and my rulings on each of the issues raised. The parties were given the opportunity to assert objections or propose edits to the Conference Summaries before they were finalized as attached to this Report. The parties have agreed that the Conference Summaries accurately reflect my rulings at those hearings. The parties' objections to my rulings are also referenced in the Conference Summaries.¹

II. Agreement by the Parties

The parties have received a copy of this Report and the attached Conference Summaries prior to their filing, and they have consented to them being filed and thus becoming part of the record in this case. The parties have stated that they have no objections to the filing of this Report or the Conference Summaries becoming part of the record in this case.

¹ The parties assert that they have preserved their rights to object to my rulings for certain class members and, pursuant to Fed. R. Civ. P. 53(f), intend to raise their objections to my rulings to the Court, if and when, I recommend that the Court adopt my rulings and proposed findings of fact and conclusions of law for the relevant class members. I express no view on this reservation of rights.

III. Conclusion

For the foregoing reasons, I submit this Report, which attaches the Conference Summaries, and files them as part of the record in this case.

Dated: New York, New York
February 15, 2023



JOHN S. SIFFERT
Special Master